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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re the Application of:

Yasushi SAKAI

Application No.: 10/626,525

Filed: July 25, 2003

For: FILM KEY SHEET AND METHOD OF MANUFACTURING THE SAME

Attorney Docket No.: OHT-0019

Examiner: Not Yet Assigned

Art Unit: 1772

Confirmation No.: 1135

PETITION TO WITHDRAW NOTICE OF OMITTED ITEMS

MAIL STOP MISSING PARTS

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

Applicant hereby petitions the Commissioner for review and withdrawal of the Notice of Omitted Items in a Nonprovisional Application mailed in the above-identified application on May 18, 2004 because the United States Patent and Trademark Office erroneously states that Applicant appears to have omitted from the application drawing Figure 1 described in the specification.

Under the Notice of Omitted Items, Applicant hereby elects Option I which states:

Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130 petition fee (37 CFR 1.17 (h))) with evidence of such deposit must be filed within two months of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

Applicant, through his representatives, filed his original application on July 25, 2003. A copy of a postcard receipt is attached hereto date-stamped by the United States Patent and Trademark Office indicating that 12 sheets of drawings were received. Please note that this postcard receipt includes the initials of two (2) of Applicant's representatives who had reviewed the application documents for completeness prior to filing with the USPTO. Furthermore, all 12 sheets of drawings include a legend on the reverse side indicating that that particular sheet of drawing is

sheet "X" of 12 indicating that each drawing sheet filed is one of a series of sheets in a set of 12 drawing figure sheets. By way of example, drawing Figure 1 as sheet 1 of 12 is attached hereto as a two-sided photocopy of such drawing figure that was originally filed with the USPTO on July 25, 2003.

On April 27, 2004, Examiner Little telephoned the Applicant's representatives and requested a complete duplicate copy of the application that was filed by the Applicant on July 25, 2003. The Examiner advised Applicant's representatives that as a result of an "operational problem" at the USPTO, a complete duplicate copy of the application and the associated papers filed contemporaneously therewith is now required by the USPTO. A copy of the Communication to Examiner is filed herewith reflecting Applicant's compliance with the Examiner's request for a complete duplicate copy of the application. Although not specifically stated by the Examiner, it was suggested by the Examiner that the original application was either misplaced or otherwise mishandled by the USPTO.

Also, a photocopy of postcard receipt (attached hereto) date-stamped by the USPTO on May 3, 2004, lists all of the duplicate copies of the application documents that were filed by the Applicant in response to the Examiner's request for the same. Please note that the date-stamped postcard receipt indicates that the USPTO acknowledges receipt of 12 sheets of drawing figures (with drawing Figure 1 being sheet 1 of 12).

Applicant's representative asserts that a complete copy of the duplicate application that was filed with the United States Patent and Trademark Office on May 3, 2004, has been maintained in the law office file of the Applicant's representative and further asserts that the drawing sheet of Figure 1 sheet included in the assemblage of the filed duplicate documents is in this file.

It is respectfully submitted that the United States Patent and Trademark Office appears to have misplaced or mishandled the alleged missing drawing Figure 1.

Therefore, Applicant respectfully requests an official withdrawal of the Notice of Omitted Item(s) and the application be forwarded to the Examiner for prosecution. Further, Applicant respectfully requests that the filing date for the filing of drawing Figure 1 be granted.

The Commissioner is hereby authorized to charge the petition fee and any other fee necessary to advance this matter to Deposit Account No. 18-0013. Please charge any fee deficiency or credit any overpayment with respect to this paper to Deposit Account No. 18-0013.

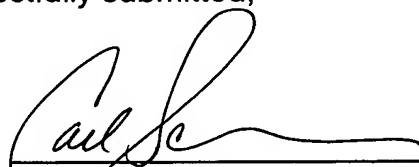
Upon granting of this petition, Applicant respectfully requests a refund of the petition fee as provided under the rules.

The USPTO is invited to telephone the undersigned to expedite treatment of this Petition and for any further information that might be helpful in granting this Petition.

Respectfully submitted,

Date: June 4, 2004

By:


David T. Nikaido
Reg. No. 22,663

Carl Schaukowitch
Reg. No. 29,211

RADER, FISHMAN & GRAUER PLLC

1233 20th Street, N.W. Suite 501
Washington, D.C. 20036
Tel: (202) 955-3750
Fax: (202) 955-3751
Customer No. 23353

Enclosure(s): Copy of date-stamped Postcard for original application filing
 Copy of drawing Fig. 1 (two-sided copy)
 Copy of Communication to Examiner
 Copy of date-stamped Postcard for duplicate copy filing
 Copy of Notice of Omitted Item(s)

DC157687

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00
Complete if Known

Application Number	10/626,525
Filing Date	July 25, 2003
First Named Inventor	Yasushi SAKAI
Examiner Name	Not Yet Assigned
Art Unit	1772
Attorney Docket No.	OHT-0024

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number

18-0013

Deposit Account Name

Rader, Fishman & Grauer PLLC

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
FEE CALCULATION**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid	
		-20** =		x		=	0.00
Independent Claims		-3** =		x		=	0.00
Multiple Dependent						=	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00
SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	David T. Nikaido Carl Schaukowitch	Registration No. (Attorney/Agent)	22,663 29,211	Telephone	(202) 955-3750
Signature				Date	June 4, 2004

COPY

ATTY DOCKET NO.: OHT-0019
(85968-0019)

Inventor: Yasushi SAKAI

Application No.: Not Yet Assigned

Filing Date: July 25, 2003

Title: FILM KEY SHEET AND METHOD OF MANUFACTURING THE SAME

Documents Filed:

Utility Patent Application Transmittal (in duplicate)

Assignment

Fee Transmittal (in duplicate)

Information Disclosure Statement

Specification (23 pages)

Form PTO/SB/08A with five (5) references

Drawings (12 sheets)

Claim for Priority

Oath or declaration (2 pages)

Certified copy of Priority document

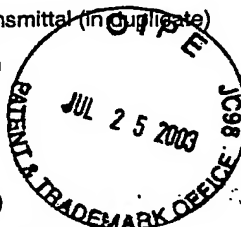
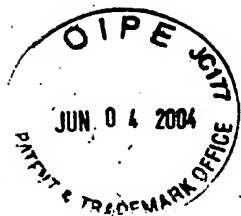
Recordation Form Cover Sheet (in duplicate)

CHARGE \$790.00 TO DEPOSIT ACCOUNT 18-0013

Via: PTO DAILY RUN

Sender's Initials: DTN/CS/ddd

Date filed in the USPTO: July 25, 2003

Please Date Stamp And Return To Our CourierATTY DOCKET NO.: OHT-0019
(85968-0019)

Inventor: Yasushi SAKAI

Application No.: Not Yet Assigned

Filing Date: July 25, 2003

Title: FILM KEY SHEET AND METHOD OF MANUFACTURING THE SAME

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Utility Patent Application Transmittal (in duplicate)

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Via: PTO DAILY RUN

Sender's Initials: DTN/CS/ddd

Date filed in the USPTO: July 25, 2003

For Advance Notification of Application Number

COPY



ATTY DOCKET NO.: OHT-0019
(85968-0019)

Inventor: Yasushi SAKAI

Application No.: 10/626,525

Filing Date: July 25, 2003

Title: FILM KEY SHEET AND METHOD OF MANUFACTURING THE SAME

Documents Filed:

Communication to the Examiner

Copy of Recordation Form Cover Sheet

Copy of Utility Patent Application Transmittal

Copy of Assignment

Copy of Fee Transmittal

Copy of Information Disclosure Statement

Copy of Specification (23 pages)

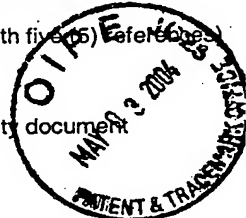
Copy of Form PTO/SB/08A (with five (5) reference)

Copy of Drawings (12 sheets)

Copy of Claim for Priority

Copy of Oath or declaration (2 pages)

Copy of Certified copy of Priority document



Via: PTO DAILY RUN

Sender's Initials: DTN/CS/ddd

Date filed in the USPTO: May 3, 2004

Please Date Stamp And Return To Our Courier

na

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

In re Patent Application of:

Attorney Docket No.: OHT-0019

Yasushi SAKAI

Examiner: Kevin Little
Crystal Plaza 2 7D25

Application No.: 10/623,738

Art Unit: Not Yet Assigned

Filed: July 25, 2003

For: FILM KEY SHEET AND METHOD OF MANUFACTURING THE SAMECOMMUNICATION TO EXAMINER**MAIL STOP DUPLICATES**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On April 27, 2004, Examiner Little telephoned Applicant's representative and requested a complete duplicate copy of the above-identified application filed with United States Patent and Trademark Office on July 25, 2003. The Examiner advised Applicant's representative that as a result of an operational problem, a complete duplicate copy of the application and the associated papers filed contemporaneously therewith is now required by the United States Patent and Trademark Office. A complete duplicate copy of the application along with the associated papers is filed herewith.

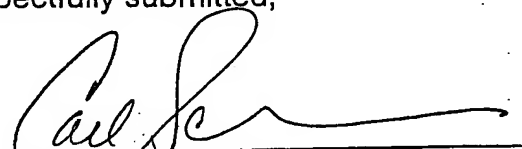
Applicant's representative hereby certifies that the application papers filed herewith are identical duplicate copies of the ones filed with United States Patent and Trademark Office on July 25, 2003.

Should the Examiner believe anything further is desirable in order to perfect the filing of this application, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

Respectfully submitted,

Date: May 3, 2004

By:



David T. Nikaido
Reg. No. 22,663

Carl Schaukowitch
Reg. No. 29,211

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Washington, D.C. 20036
Tel: (202) 955-3750
Fax: (202) 955-3751
Customer No. 23353

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Copy of U.S. Patent Application Transmittal
Copy of Specification
Copy of Drawings
Copy of Executed Declaration/Power of Attorney
Copy of Recordation Cover Sheet
Copy of Assignment
Copy of Information Disclosure Statement
Copy of Form PTO/SB/08A
Copy of Claim for Priority

DC155011